

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

FRANTZ HARDIN

Petitioner,

-vs-

Case No. 3:09-cv-0019

**WARDEN, Lebanon Correctional
Institute,**

**District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

Defendant.

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. #3) ADOPTING REPORT
AND RECOMMENDATIONS (DOC. #2) and SUPPLEMENTAL REPORT AND
RECOMMENDATIONS (DOC.#4) DENYING PLAINTIFF'S TWO GROUNDS FOR
RELIEF AND DISMISSING PETITIONER'S PETITION , DENYING PETITIONER'S
REQUESTED CERTIFICATE OF APPEALABILITY ON BOTH GROUNDS.
TERMINATING SAID CASE ON THE COURT'S DOCKET**

This matter is before the Court pursuant to Objections (Doc. # 3), filed by Petitioner, on February 3, 2009, to the Report and Recommendations (Doc.# 2) of Magistrate Judge Michael R. Merz, filed January 21, 2009.

The Court has reviewed the comprehensive findings of the Magistrate Judge in both his Report and Recommendations (Doc.#2) and Supplemental Report and Recommendations (Doc.# 4). Pursuant to 28 U.S.C. Section 636(b) and Fed. R.Civ. P. 72(b), this District Judge has made a de novo review of the record in this case and upon consideration of the foregoing, the Court finds the Objections (Doc.# 3) are not well-taken and are hereby OVERRULED.

Accordingly, the Magistrate Judge's Report and Recommendations (Doc.# 2) and Supplemental Report and Recommendations (Doc.#4) are ADOPTED in their entirety.

It is ORDERED and ADJUDGED that the Petitioner's Petition is DISMISSED with prejudice and that, because reasonable jurists would not disagree with this conclusion, Petitioner is DENIED leave to appeal *in forma pauperis* and any requested certificate of appealability. This matter is ORDERED terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

IT IS SO ORDERED.

February 27, 2009

s/**THOMAS M. ROSE**

Dated

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Case Name _____

Case No. _____

Objections: Doc.# _____

Plaintiff's Name: _____

Date of Objection: _____

Report & Recommendations: Doc. # _____

Magistrate Judge _____

Date of R&R _____